GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3968
ANSWERED ON:14.12.2000
APPOINTMENT OF SECRETARY/ADDITIONAL SECRETARY
JAGDAMBI PRASAD YADAV

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the criteria adopted for appointment of Secretary and Additional Secretary in the Legislative Department under his Ministry;

(b) whether the officer who prepare the Hindi version of law in the Legislative Department are not considered eligible for the post of Secretary and Additional Secretary;

(c) if so, the reasons for such discrimination;

(d) whether any discrepancy has come to the notice of the Government in the appointment of Secretary and Additional Secretary in the Legislative Department of the Ministry; and

(e) if so, the reaction of the Government thereto?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) On 2nd September,1999 the Department of Personnel & Training issued instructions regardingthe constitution of a Search-cum-Selection Committee for selecting and recommending suitable persons after considering eligible officers of the Indian Legal Service and also other Legal Experts fromoutside the service, for the post of Secretary and Additional Secretary in the Department of Legal Affairs and the Legislative Department.The said instructions indicated that for recommending suitable persons for appointments to the post of Secretary and Additional Secretary, falling vacant in the future, in the Department of Legal Affairs and the Legislative Department, the Committee consisting of the following had been approved:-

(1) For Secretary

Cabinet Secretary	Chairman
Principal Secretary to Prime Minister	
Secretary (Personnel)	
Solicitor General or Attorney General of India	

(2) For Additional Secretary

Cabinet Secretary	Chairman
Secretary (Personnel)	
Secretary, Legal Affairs /Legislative Department	
One Expert to be co-opted, if necessary.	

Both, the posts of Secretary and Additional Secretary in the Department of Legal Affairs and the Legislative Department, are outside the cadre of the Indian Legal Service and the procedure for selection of these posts is now as stated in the instructions of the Deptt. Of Personnel dated 2nd September,1999.

(b) & (c) The officers in the Official Languages Wing of the Legislative Department who are responsible for preparing the Hindi version of the laws enacted by Parliament are either recruited as Translators or are inducted through promotion or direct recruitment through Union Public Service Commission to the higher posts but their basic responsibility is to translate the laws into Hindi after the English version as originally drafted by the Draftsman in the Legislative Department is sent to them.

The question of induction of the officers of the Official Languages Wing into the Indian Legal Service has been raised in the Subject- Relating Standing Committee of Parliament

for Home Affairs from time to time and the Department has always indicated that the nature of duties of the officers of the Official Languages Wing of the Legislative Department is different from those of the Draftsmen in the main Department. As such, the Government has not been able to agree to the recommendation for inducting them into the Indian Legal Service. The nature of duties and the responsibility being different, the question of discrimination does not arise.

(d)&(e). No, Sir. No discrepancy has come to notice since the appointments to the posts of Secretary and Additional Secretary in the Legislative Department have been made as per the procedure indicated in (a) above. Hence, question (e) does not arise.